

REMARKS/ARGUMENTS

Examiner had identified 12 inventions in the patent application:

- Species 1, shown in Figure 1;
- Species 2, shown in Figure 2;
- Species 3, shown in Figure 3;
- Species 4, shown in Figure 4;
- Species 5, shown in Figure 5;
- Species 6, shown in Figure 6;
- Species 7, shown in Figure 8;
- Species 8, shown in Figure 10;
- Species 9, shown in Figure 12;
- Species 10, shown in Figure 14;
- Species 11, shown in Figure 16; and
- Species 12, shown in Figure 18.

Applicant provisionally elects Species 3, shown in Figure 3 with traverse. Claims 1, 2, 14, and 27 are readable thereon. The examiner had identified claim 1 as the generic claim for this patent application.

Applicant's invention is a sealed container with an enclosed opening means. The enclosed opening means is operated by bending the sealed container. In the preferred embodiment, the sealed container with an enclosed opening means comprises an elongated tubular housing with a sealed end and an open end. A liquid is enclosed within the elongated tubular housing near the sealed end. An enclosed opening means is disposed inside the

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elongated tubular housing sealing the liquid within the elongated tubular housing. In the preferred embodiment, the enclosed opening means comprises of a cylinder with an outside diameter approximately that of the inside diameter of said elongated tubular housing defining a liquid flow path from the liquid to the open end of said elongated tubular housing and an elongated protrusion that is separable from the cylinder extending from an end of the cylinder near the liquid and sealing the liquid flow path. When the elongated tubular housing is bent near the opening means the liquid is released from the elongated tubular housing. When the elongated tubular housing has a small cross-section such that the liquid within it cannot be released simply by opening the opening means due to the liquid's surface tension, a guiding member is utilized to increase the capillary action and to overcome the surface tension of the liquid to release the liquid from the elongated tubular housing. The other embodiments identified by the examiner are all opening means that may be enclosed within the elongated tubular housing and may all be operated by bending the elongated tubular housing near the opening means. Therefore, the restriction/election requirement is improper.

Applicant respectfully requests that the restriction requirement be reconsidered and withdrawn and a timely Notice of Allowance be issued in this case.

Respectfully submitted,

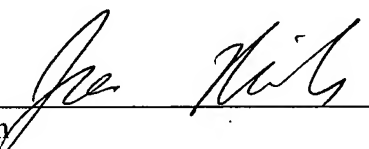


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